IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 16506 of 2002

Between:

Abdul Subhan s/o.Abdul Raheem,

Retd. Government Servant,

R/o.26/57-A, Peta, Kurnool.

..... PETITIONER

AND

1. Government of Andhra Pradesh, rep. By its

Secretary, Minorities Welfare (Wakfs) Department,

Secretariat, Hyderabad.

2. A.P.State Wakf Board, rep. By its Chief Executive Officer,

Opp. Public Gardens, Nampally, Hyderabad.

3. Syed Altaf Hussaini

4. Syed Abid Hussaini

Res.Nos.3 & 4, Muthawallies, Mazjid-e-Kalekareem, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the 2nd respondent's proceedings No.B3/50/KNL/99 dated 11.3.2002 published in A.P.GazetteNo.16 dated 18.4.2002 as illegal, arbitrary, without jurisdiction and against the principles of natural justice and void and consequently direct the 2nd respondent to take the Masjid-e-Kalekareem, Kurnool with its attached moveable and immoveable properties under its direct management and to consider the case of the petitioner as Muthawalli.

Counsel for the Petitioner: MR.MIRZASAFIULLA BAIG

Counsel for the Respondent No.1: G.P. for Minorities Welfare

Counsel for the Respondent No.2: SUBHANI.S.M.

Counsel for the Respondent Nos.3 and 4: Mr.Syed Sharif Ahmed

The Court made the following:

ORDER:

The writ petitioner questions the proceedings of the A.P.State Wakf Board dated 11.3.2002 in appointing the 3rd and 4th respondents as Muthawallies of Masjid-e-Kalekareem, Kurnool with its attached moveable and immovable properties under Section 63 of Wakf Act, 1995 for a period of two years from the date of the said order. As the two years period has already been expired by 11.3.2004, the subject matter of the writ petition has become infructuous.

The writ petition is, accordingly, dismissed as infructuous.

(V.ESWARAIAH, J.)

8.4.2005

kpr

To

1. Government of Andhra Pradesh, rep. By its

Secretary, Minorities Welfare (Wakfs) Department,

Secretariat, Hyderabad.

2. A.P.State Wakf Board, rep. By its Chief Executive Officer,

Opp. Public Gardens, Nampally, Hyderabad.

3. 2 copies to Mr.S.M.Subhani, S.C. for A.P.State Wakf Board.

4. 2 C.D. copies

5. 2 C.Cs to the Govt. Pleader for Minorities Welfare, High Court of A.P., Hyderabad.